

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE:	DOCKET NO. RMU-2016-0003
REVIEW OF ELECTRIC INTERCONNECTION OF DISTRIBUTED GENERATION FACILITIES RULES [199 IAC CHAPTER 45]	COMMENTS SUBMITTED ON BEHALF OF IOWA ASSOCIATION OF ELECTRIC COOPERATIVES

COMES NOW the Iowa Association of Electric Cooperatives (“IAEC”), by and through the undersigned attorney, and hereby submits the following comments in accordance with the Order Commencing Rule Making issued July 22, 2016 and the Order Requesting Comments on Proposed Forms and Processes issued August 8, 2016. As the Board is aware, the IAEC is a trade association representing 36 distribution cooperatives that provide electric service at retail to member consumers in their assigned service areas in the state of Iowa and seven generation and transmission cooperatives that provide wholesale electric service to the distribution cooperative members in the state of Iowa. The IAEC is participating in this docket on behalf of its members; however, any one of the IAEC's members may also file comments of their own.

The Order (“Order”) opening this rulemaking includes a summary of the proposed substantive changes and these comments are organized to follow the summary. Prior to addressing the substantive changes, the IAEC notes that for purposes of the subject rules, "utility" is defined to only include those electric utilities that are subject to the rate regulation authority of the Iowa Utilities Board. The IAEC recognizes that some participants in other Dockets have encouraged the Board to expand the definition of utility for purposes of these rules. The IAEC supports the Board's decision to retain the existing definition. Such action is

consistent with the precedent set by the Courts in Iowa with regard to the application of the Public Utility Regulatory Policies Act (PURPA), which directs non-rate-regulated utilities to adopt their own plans for implementing PURPA and the obligations described therein for the interconnection of qualifying facilities and the purchase of excess energy made available by said facilities to the electric utility. Further, the IAEC notes that the non-rate regulated utilities are required to comply with the provisions of 199 IAC 15.10, so there should be consistency regarding the technical aspects of interconnection.

In response to the proposed amendments set forth in the Order Commencing Rule Making, the IAEC provides the following comments.

1. Rule 45.1

The Board has proposed to add a definition of "disconnection device" to be consistent with Iowa Code §478.58(1)(a). The proposed definition mirrors the definition the Board proposed to be included in its Chapter 15 Rules. With regard to those rules, the IAEC noted in its reply comments that the proposed definition be revised so that it only includes devices that disconnect the generating facility and not those that disconnect the main service. A separate disconnect device is necessary in order to allow a utility to disconnect the generation facility without also disconnecting service to the entire premise.

The Board has also proposed adoption of a definition of an "Electric Meter." The new definition provides that an "Electric meter means a device used by an electric utility that measures and registers the integral of an electrical quantity with respect to time." This proposed definition would appear to be consistent with the definition of "meter" contained in the Chapter 20 rules and therefore the IAEC supports the same.

2. Rule 45.3

The Board has proposed to amend Rule 45.3 to include requirements for a disconnect device, its location, and signage that is consistent with the Board's proposed changes to Rule 15.10. The IAEC provided comments on two aspects of the Chapter 15 rule revisions and the same comments would apply here. Specifically, the IAEC notes that proposed rule 45.3(2)(a) includes the following requirement:

“If an interconnection customer with distributed generation systems installed prior to July 1, 2015, adds generation capacity to its existing system that does not require upgrades to the electric meter or electrical service, a disconnection device is not required.” (emphasis added)

The IAEC suggests including language that: (1) requires the customer to notify the electric utility before generation capacity is added to its existing system; and (2) requires the customer to comply with the electric utility's tariff, which may or may not require a disconnect device. In addition, the IAEC notes that proposed rule 45.3(2)(f) provides that an interconnection customer that fails to comply with the requirements contained in the Board rules may be disconnected. It is anticipated that some parties may file comments herein suggesting that said rule only allow disconnection of the generating device and not the customer. However, if the violation is the failure to install or maintain a separate disconnect device or the facility was installed prior to the new requirements being implemented, the disconnection of the facility alone may not be an option for the utility. The IAEC supports the Board's proposed language; but would be agreeable to limiting the disconnection to the generation facility whenever the same can be accommodated with a separate disconnect device.

The proposed changes to Rule 45.3 also include testing requirements for interconnection customers and obligations for notification of paid or volunteer fire departments. The IAEC supports these revisions, which are consistent with the proposed revisions to Chapter 15.

3. Rule 45.4

The IAEC does not have any comments on the proposed revisions to Rule 45.4.

4. Rule 45.5

The IAEC is supportive of the modifications to Rule 45.5, including the clarification regarding an applicant's obligation to demonstrate a legal right to control the site where the facility is proposed to be constructed.

5. Rule 45.7

The IAEC does not object to the proposed changes to Rule 45.7, which provide for the increase in the level 1 eligibility to 20 kVA; the implementation of a scaled approach for level 2 eligibility depending on the capacity of the line to which it is interconnecting; and the removal of the application and interconnection agreement forms from the rules and in lieu thereof placement of the same on the IUB website.

6. Rule 45.9

The IAEC does not object to the implementation of a supplemental review process for facilities that initially fail the level 2 screens, especially since the Rule as proposed allows a utility to describe its process in its tariff.

7. Rules 45.14 through 45.20

The Board has proposed to rescind Rules 45.14 through 45.20, which included the standard forms for applying for interconnection and standard interconnection agreements. Placement of these forms on the IUB website will make them more readily accessible to applicants than keeping the same embedded in the rules. However, caution should be taken not to amend said forms in the future without an opportunity for stakeholder input.

The forms include the application fees. The Board is proposing to increase the fees for Level 1 (from \$50 to \$125) and Level 2 (from \$100 plus \$1.00 per kVA to \$250 plus \$1.00 per

kVA) interconnection applications and also establish a fee for a witness test (up to \$125). The IAEC is supportive of said changes, as the documentation submitted in Docket NOI-2014-0001 clearly indicated that the expense incurred by utilities in processing said applications exceeded the amount of the prior established fees.

In addition to the foregoing, the IAEC notes that it has reviewed the Order Requesting Comments on Proposed Forms and Processes issued August 8, 2016 and indicates that it has no suggested changes to said forms, other than potential changes to incorporate the comments above.

WHEREFORE, the IAEC respectfully requests the Board give these comments and responses due consideration as it proceeds to evaluate and consider potential revisions to the Board's Chapter 45 rules and the forms required thereby. The IAEC looks forward to continuing to participate in this docket, whether through additional rounds of written comments, workshops, or other means as deemed most appropriate by the Board and staff.

Respectfully submitted,

SULLIVAN & WARD, P.C.

By /s/ Dennis L. Puckett

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ATTORNEYS FOR THE IOWA ASSOCIATION
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CERTIFICATE OF SERVICE

I hereby certify that I have filed this pleading with the Board's Executive Secretary through the Electronic Filing System (EFS) this 6th day of September, 2016.

/s/ Dennis L. Puckett